



General Assembly

January Session, 2005

Raised Bill No. 1174

LCO No. 3929

03929_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

AN ACT CONCERNING SCHOOL NUTRITION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-221o of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 Each local and regional board of education shall require each school
4 under its jurisdiction to: (1) Offer all full day students a daily lunch
5 period of not less than twenty minutes, and (2) include in the regular
6 school day for each student enrolled in grades kindergarten to five,
7 inclusive, a period of physical exercise, for a minimum of twenty
8 minutes each day or a minimum of one hundred minutes each week,
9 in addition to any physical education requirements, except that a
10 planning and placement team may develop a different schedule for a
11 child requiring special education and related services in accordance
12 with chapter 164 and the Individuals With Disabilities Education Act,
13 20 USC 1400 et seq., as amended from time to time. In the event of a
14 conflict with this section and any provision of chapter 164, such other
15 provision of chapter 164 shall be deemed controlling.

16 Sec. 2. (NEW) (*Effective July 1, 2005*) Each local and regional board of

17 education shall establish a School Wellness Committee to monitor and
 18 implement nutrition and physical activity policies required pursuant
 19 to the Child Nutrition and WIC Reauthorization Act of 2004. Each such
 20 committee shall make recommendations to its board of education
 21 regarding participation in agriculture-related initiatives, nonfood
 22 related school fundraisers, nutrition education curriculum, healthy
 23 food vending items, a la carte and school store food sales items and the
 24 promotion of physical education and exercise. Members of the
 25 committee shall include, but need not be limited to, a school
 26 administrator, a physical education teacher, a teacher who does not
 27 teach physical education, a school nurse, the food service director for
 28 the school district, two parents of children enrolled in a school in the
 29 school district and a middle school student and high school student.

30 Sec. 3. Section 10-221p of the general statutes is repealed and the
 31 following is substituted in lieu thereof (*Effective July 1, 2005*):

32 (a) Each local and regional board of education shall make available
 33 in the schools under its jurisdiction for purchase by students enrolled
 34 in such schools: (1) Only nutritious, low-fat [foods and] drinks, which
 35 shall include, but shall not be limited to, low-fat milk, one hundred per
 36 cent natural fruit juices and water, [at all times when drink is available
 37 for purchase by students in such schools] and (2) low-fat dairy
 38 products and fresh or dried fruit at all times when food is available for
 39 purchase by students in such schools during the regular school day.
 40 Only drinks and foods specified in subdivisions (1) and (2) of this
 41 subsection shall be available for students to purchase in vending
 42 machines, school canteens and stores.

43 (b) Not later than August 1, 2005, the Department of Education shall
 44 publish a list of recommended foods that may be offered for sale to
 45 students at elementary, middle and secondary schools in the state.
 46 Local and regional boards of education may adopt such
 47 recommendations for all schools under their jurisdiction during the
 48 2005-2006 school year and shall adopt such recommendations

49 beginning with the 2006-2007 school year.

50 Sec. 4. Section 10-206 of the general statutes is repealed and the
51 following is substituted in lieu thereof (*Effective July 1, 2005*):

52 (a) Each local or regional board of education shall require each pupil
53 enrolled in the public schools to have health assessments pursuant to
54 the provisions of this section. Such assessments shall be conducted by
55 a legally qualified practitioner of medicine, an advanced practice
56 registered nurse or registered nurse, licensed pursuant to chapter 378,
57 a physician assistant, licensed pursuant to chapter 370, or by the school
58 medical advisor to ascertain whether such pupil is suffering from any
59 physical disability tending to prevent such pupil from receiving the
60 full benefit of school work and to ascertain whether such school work
61 should be modified in order to prevent injury to the pupil or to secure
62 for the pupil a suitable program of education. No health assessment
63 shall be made of any child enrolled in the public schools unless such
64 examination is made in the presence of the parent or guardian or in the
65 presence of another school employee. The parent or guardian of such
66 child shall receive prior written notice and shall have a reasonable
67 opportunity to be present at such assessment or to provide for such
68 assessment himself or herself. A local or regional board of education
69 may deny continued attendance in public school to any child who fails
70 to obtain the health assessments required under this section.

71 (b) Each local or regional board of education shall require each child
72 to have a health assessment prior to public school enrollment. The
73 assessment shall include: (1) A physical examination which shall
74 include hematocrit or hemoglobin tests, height, weight, blood
75 pressure, body mass index and [, beginning with the 2003-2004 school
76 year,] a chronic disease assessment which shall include, but not be
77 limited to, asthma as defined by the Commissioner of Public Health
78 pursuant to subsection (c) of section 19a-62a, and if the body mass
79 index percentile is above a percentile determined by the Commissioner
80 of Public Health, a test for all types of diabetes. The assessment form

81 shall include (A) a check box for the provider conducting the
82 assessment, as provided in subsection (a) of this section, to indicate an
83 asthma or diabetes diagnosis, (B) screening questions relating to
84 appropriate public health concerns to be answered by the parent or
85 guardian, and (C) screening questions to be answered by such
86 provider; (2) an updating of immunizations as required under section
87 10-204a, provided a registered nurse may only update said
88 immunizations pursuant to a written order by a physician or physician
89 assistant, licensed pursuant to chapter 370, or an advanced practice
90 registered nurse, licensed pursuant to chapter 378; (3) vision, hearing,
91 speech and gross dental screenings; and (4) such other information,
92 including health and developmental history, as the physician feels is
93 necessary and appropriate. The assessment shall also include tests for
94 tuberculosis, sickle cell anemia or Cooley's anemia and tests for lead
95 levels in the blood where the local or regional board of education
96 determines after consultation with the school medical advisor and the
97 local health department, or in the case of a regional board of education,
98 each local health department, that such tests are necessary, provided a
99 registered nurse may only perform said tests pursuant to the written
100 order of a physician or physician assistant, licensed pursuant to
101 chapter 370, or an advanced practice registered nurse, licensed
102 pursuant to chapter 378.

103 (c) Each local or regional board of education shall require each pupil
104 enrolled in the public schools to have health assessments in either
105 grade six or grade seven and in either grade ten or grade eleven. The
106 assessment shall include: (1) A physical examination which shall
107 include hematocrit or hemoglobin tests, height, weight, blood
108 pressure, body mass index and [, beginning with the 2003-2004 school
109 year,] a chronic disease assessment which shall include, but not be
110 limited to, asthma as defined by the Commissioner of Public Health
111 pursuant to subsection (c) of section 19a-62a, and if the body mass
112 index percentile is above a percentile determined by the Commissioner
113 of Public Health, a test for all types of diabetes. The assessment form
114 shall include (A) a check box for the provider conducting the

115 assessment, as provided in subsection (a) of this section, to indicate an
116 asthma or diabetes diagnosis, (B) screening questions relating to
117 appropriate public health concerns to be answered by the parent or
118 guardian, and (C) screening questions to be answered by such
119 provider; (2) an updating of immunizations as required under section
120 10-204a, provided a registered nurse may only update said
121 immunizations pursuant to a written order of a physician or physician
122 assistant, licensed pursuant to chapter 370, or an advanced practice
123 registered nurse, licensed pursuant to chapter 378; (3) vision, hearing,
124 postural and gross dental screenings; and (4) such other information
125 including a health history as the physician feels is necessary and
126 appropriate. The assessment shall also include tests for tuberculosis
127 and sickle cell anemia or Cooley's anemia where the local or regional
128 board of education, in consultation with the school medical advisor
129 and the local health department, or in the case of a regional board of
130 education, each local health department, determines that said
131 screening or test is necessary, provided a registered nurse may only
132 perform said tests pursuant to the written order of a physician or
133 physician assistant, licensed pursuant to chapter 370, or an advanced
134 practice registered nurse, licensed pursuant to chapter 378.

135 (d) The results of each assessment done pursuant to this section and
136 the results of screenings done pursuant to section 10-214 shall be
137 recorded on forms supplied by the State Board of Education. Such
138 information shall be included in the cumulative health record of each
139 pupil and shall be kept on file in the school such pupil attends. If a
140 pupil permanently leaves the jurisdiction of the board of education, the
141 pupil's original cumulative health record shall be sent to the chief
142 administrative officer of the school district to which such student
143 moves. The board of education transmitting such health record shall
144 retain a true copy. Each physician, advanced practice registered nurse,
145 registered nurse, or physician assistant performing health assessments
146 and screenings pursuant to this section and section 10-214 shall
147 completely fill out and sign each form and any recommendations
148 concerning the pupil shall be in writing. The results of each assessment

149 shall be confidential and shall not be used for any purpose except
150 those described in this section, unless required by law.

151 (e) Appropriate school health personnel shall review the results of
152 each assessment and screening as recorded pursuant to subsection (d)
153 of this section. When, in the judgment of such health personnel, a
154 pupil, as defined in section 10-206a, is in need of further testing or
155 treatment, the superintendent of schools shall give written notice to the
156 parent or guardian of such pupil and shall make reasonable efforts to
157 assure that such further testing or treatment is provided. Such
158 reasonable efforts shall include a determination of whether or not the
159 parent or guardian has obtained the necessary testing or treatment for
160 the pupil, and, if not, advising the parent or guardian on how such
161 testing or treatment may be obtained. The results of such further
162 testing or treatment shall be recorded pursuant to subsection (d) of this
163 section, and shall be reviewed by school health personnel pursuant to
164 this subsection. Any weight or body mass index data collected in
165 accordance with the provisions of this section shall be confidential as
166 provided in subsection (e) of this section but may be used to assess
167 norms related to childhood obesity.

168 (f) On and after February 1, 2004, each local or regional board of
169 education shall report, on an annual basis, the total number of pupils
170 per school and per school district having a diagnosis of asthma
171 recorded on such health assessment forms to the local health
172 department and the Department of Public Health. The report shall
173 contain the asthma information collected as required under
174 subsections (b) and (c) of this section and shall include pupil age,
175 gender, race, ethnicity and school. Beginning on October 1, 2004, and
176 every three years thereafter, the Department of Public Health shall
177 review the asthma screening information reported pursuant to this
178 section and shall submit a report to the joint standing committees of
179 the General Assembly having cognizance of matters relating to public
180 health and education concerning asthma trends and distributions
181 among pupils enrolled in the public schools. The report shall be

182 submitted in accordance with the provisions of section 11-4a and shall
 183 include, but not be limited to, trends and findings based on pupil age,
 184 gender, race, ethnicity, school and the education reference group, as
 185 determined by the Department of Education for the town or regional
 186 school district in which such school is located.

187 (g) On and after February 1, 2006, each local or regional board of
 188 education shall report, on an annual basis, the total number of pupils
 189 per school and per school district having a diagnosis of obesity based
 190 on the body mass index recorded on such health assessment forms to
 191 the local health department and the Department of Public Health. The
 192 report shall contain the body mass index information collected as
 193 required under subsections (b) and (c) of this section and shall include
 194 pupil age, gender, race, ethnicity and school.

195 Sec. 5. (NEW) (*Effective October 1, 2005*) Beginning on October 1,
 196 2006, and every three years thereafter, the Department of Public Health
 197 shall review the obesity information reported pursuant to section 10-
 198 206 of the general statutes, as amended by this act, and shall submit a
 199 report to the joint standing committees of the General Assembly
 200 having cognizance of matters relating to public health and education
 201 concerning obesity trends and distributions among pupils enrolled in
 202 the public schools. The report shall be submitted in accordance with
 203 the provisions of section 11-4a of the general statutes and shall include,
 204 but not be limited to, trends and findings based on pupil age, gender,
 205 race, ethnicity, school and the education reference group, as
 206 determined by the Department of Education, for the local or regional
 207 school district in which such school is located. Such report shall not
 208 include the names of individual pupils.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	10-221o
Sec. 2	<i>July 1, 2005</i>	New section
Sec. 3	<i>July 1, 2005</i>	10-221p

Sec. 4	<i>July 1, 2005</i>	10-206
Sec. 5	<i>October 1, 2005</i>	New section

Statement of Purpose:

To increase recess times for students in grades kindergarten to five, to establish local School Wellness committees, to ensure that only low-fat, nutritious food and drinks are available at schools for purchase by students and to acquire state-wide children's body mass index information to decrease the incidence of childhood obesity.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]